
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYNCPOINT IMAGING, LLC, a Texas
Limited Liability Company,

Plaintiff,

v.

NINTENDO OF AMERICA INC., a
Washington Corporation; **NINTENDO CO., LTD**, a Japanese Corporation; **GAME X CHANGE, INC.**, an Arkansas Corporation;
GAMES2GO, a business in the Eastern District of Texas, and **PIXART IMAGING, INC.**, a Taiwanese Corporation,

Defendants

Civil Action No. 2:15-cv-247 –TH-RSP

(JURY TRIAL DEMANDED)

UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff SyncPoint Imaging, LLC, (“*SyncPoint*” or “*Plaintiff*”) files this Unopposed Motion to Amend Docket Control Order as regards to Nintendo of America Inc. and Nintendo Co., Ltd. (collectively, “Nintendo”) and would show the Court as follows:

Pursuant to this Court’s July 16, 2015 Docket Control Order, the current deadline to file Motions to Compel Discovery is December 14, 2015. As to Defendant Nintendo, Plaintiff asks that this deadline be extended to January 17 for the purpose of meeting and conferring in person with lead and local counsel regarding Nintendo’s email production responding to the production requests SyncPoint served on November 23, 2015. This motion does not extend to other issues, and does not serve to extend the fact discovery cut off.

Further, Nintendo and SyncPoint have agreed to permit Nintendo to take limited discovery regarding the assignments of the patent-in-suit after the close of discovery. Specifically, Nintendo sought such discovery before the discovery cut-off and SyncPoint opposed that discovery. In an effort to compromise, the parties have agreed that Nintendo may propound three interrogatories to Lannea Butler and three interrogatories to Karl Hansen, which will would be answered within five calendar days of service. Nintendo and SyncPoint have further agreed that to the extent that Nintendo deems the answers to these additional interrogatories insufficient, Nintendo shall have the right to depose Lannea Butler regarding these issues, even though that deposition will take place after the discovery cut off. SyncPoint does not, however, waive its right to seek a motion for protective order or a motion to quash with respect to the Lannea Butler deposition, but SyncPoint expressly agrees that it will not raise the discovery cut off as a basis to preclude or otherwise limit the Butler deposition. Nintendo and SyncPoint have agreed to allow this additional discovery to take place after the discovery cut off, but agree that no other discovery shall be permitted. The parties agree that Nintendo may file a motion to compel with regard to the discovery described above, and the parties agree that this motion shall not preclude or otherwise limit any non-discovery motions arising as a result of this discovery.

The parties have discussed matters over the phone, with both lead and local. However, due to back-to-back depositions, some of which have been overseas, as well as hearings in other matters, the parties were unable to meet in person with lead and local counsel by December 14, 2015. Further, for the rest of December, Robert Aycock will be designated as lead counsel for Plaintiff. Joe Pia will undergo surgery on December 15, 2015. He is expected to return in

January 2016. However, independent of this meet-and-confer, Mr. Aycock will be serving as lead counsel.

Therefore Plaintiff moves without opposition that the parties be permitted a brief period to meet-and-confer, and to the extent necessary after that in person meet-and-confer, for Plaintiff to file a motion to compel, and that Nintendo be permitted to take the additional discovery described above after the discovery cut off.

Dated: December 29, 2015

Respectfully Submitted,

/s/ Joseph G. Pia
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and counsel for Nintendo in this case met and conferred regarding the relief requested in this motion, and this motion is unopposed.

/s/ Joseph G. Pia

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on December 21, 2015.

/s/ Joseph G. Pia